

# ALABAMA CASE LIKE VIRGINIA'S

Does Not Affect Validity of Constitution.

## SHOWS TENDENCY OF THE COURT

A Forerunner of the Virginia Case.

## GENERAL MILES FOR PRESIDENT

General of the Army, Admiral of the Navy and Next in Command Are All Democrats—The Visit of President Roosevelt to University of Virginia Will Occupy Few Hours.

The Times-Dispatch Bureau, No. 147 G Street, N. W., Washington, D. C., April 29th. The Virginia Constitution case will not be heard until the fall term of the court, which opens October 2d. It was thought the case would come up on the 6th of May, but, as usual, the docket is very much crowded and the case had to be advanced to the fall term.

Interest in the Virginia case will be less now, owing to the decision in the Alabama case, which is looked upon as a sure forerunner of that which will be rendered when Mr. Wise's case to test the Virginia Constitution comes up.

The general impression that the court was loath to undertake to undo what the Southern States were doing in the way of restricting the franchise, is gaining ground, and is strengthened by the recent decision in the Alabama case.

**SHOWS THE TENDENCY.** The Alabama case did not involve the direct question of the validity of the State Constitution, but the decision goes far to indicate the tendency of the court. There is no way to approximate the nature of a decision the court has not yet handed down, but it is generally believed the Supreme Court will not interfere to declare the suffrage provisions of Virginia's Constitution contrary to the organic law of the United States. The decision in the Alabama case will be given out to-morrow afternoon or Friday. It is now in the hands of the government printer.

**MILES FOR PRESIDENT.** Some people are saying that the report of General Miles, in which he criticized the conduct of American officers in the Philippines, was only a bid for the Democratic nomination to the presidency next year, and is but the beginning of a systematic campaign for the honor. Of course, all this is but gossip with about as little foundation in fact as the report that General Miles perhaps would if he could; but certainly could not if he would. General Miles' misadventure, when he announced himself a candidate for the presidency, and set the world laughing, has not been forgotten by General Miles. By the way, Miles, Dewey, and Schley are all Democrats of rather stronger type of political belief than is usually found among officers of the army and navy.

**DR. PRITCHETT COMING.** Dr. Henry S. Pritchett, president of the Massachusetts Institute of Technology, has accepted an invitation to deliver the annual address before the Washington and Jefferson University on June 15th. The invitation was extended through Dr. Thomas Nelson Page. Dr. Pritchett has had a brilliant career. After having graduated at a college in Missouri he went to Munich, where he took the highest degree that can be taken at that institution, one which had not been conferred there since the time of the great Agassiz. He then became assistant astronomer of the Naval Observatory, and was the astronomer of the Transit of Venus Expedition to New Zealand in 1882; then professor of astronomy and director of the University of Washington, St. Louis, and was in charge of the government party which took the eclipse of the California eclipse in 1899. The United States Coast and Geodetic Survey, needing a practical and able, as well as a scientific man at its head, Mr. Pritchett was appointed its superintendent, and conducted it with signal success. Two or three years ago he was elected president of the Massachusetts Institute of Technology.

**ROOSEVELT'S VISIT.** The alumni and others most deeply interested, are striving to make the University finals this year the most interesting in many years. A feature of the coming week will be the visit of President Roosevelt on June 15th. His train, to which will be attached the private car bearing Mr. Roosevelt, will leave this city a few minutes after 10 o'clock on the morning of June 15th and the return trip from Charlottesville will begin at 4 P. M.

Mr. Moses Nasham, well known as one of the most enterprising of the younger business men of Norfolk, expressed himself most enthusiastically at the Elmhurst House to-day concerning the Jamestown Exposition.

"It is bound to be a great success," he said. "I am sure Virginia will tell the world much it has not known regarding

# DR. PRICE'S TRYABITA FOOD

THE ONLY WHEAT FLAKE CEREAL FOOD.

"I consider Tryabita Food the greatest achievement of my life."

GROCERS SELL IT.

Dr. V. C. Price

hor resources and natural advantages, it is several years until 1907, but requires an army for such a gigantic undertaking. David Lowenberg, the director general of the exposition, is a tower of strength to the enterprise. His integrity and enterprise are well known, and I do not risk much when I say that to his ability and enterprise, Norfolk owes more than to any other man.

**MARINE DISPLAY.** "Not only do we propose to have an exposition such as has never had and St. Louis will have," continued Mr. Nuebaum, "but we will have in Hampton Roads the greatest marine display the world has ever witnessed. Many thousands of people will witness a reproduction of the battle between the Merimac and Monitor, and we expect to have the navy of every government that has ever represented on the historic waters of Hampton Roads."

Councilman John Grimes and Mr. Henry Cohn, superintendent of the Street Cleaning Department, Richmond, will leave for Washington on a pleasure trip to-day. Mr. Grimes returned last night, but Mr. Cohn and Mr. Cohn will remain a day or two.

**VIRGINIAN WITH SMALLPOX.** Charles Duchesley, a young man about eighteen years of age, of Warrenton, Va., arrived here last night from his home, and was later found ill on the street. An ambulance was summoned and he was taken to the Freedmen's Hospital, where he was later found to be suffering from smallpox. He was removed to the Smallpox Hospital, and others who came in contact with the patient before the disease was diagnosed, were isolated, but of course, nothing could be done for those who rubbed up against Duchesley while on the train.

Mr. E. Vivian Dunstan, of Virginia, has been appointed an assistant librarian in the Department of Justice at \$900 per annum. He is at present copyist.

Mr. J. W. Carter and bride, of Richmond, are in the city.

**R. P. OMATUNDRO.** Mr. W. W. Marmaduke, of this city, has received news of the death of his brother-in-law, Mr. R. P. Omatundro, in August, Ky. The deceased was a native of Westmoreland county, and was a son of the late Richard E. Omatundro, of that county. His remains will be interred in August. Deceased was forty-five years old.

The following licenses were issued by the Court of the District of Columbia today, authorizing the marriage of Virginia couples:

To P. L. Wright, of Clifton Forge, and Mary G. Cole, of Washington, Minister, D. C. N. C.

To W. W. Mercer, of Norfolk, and Alice R. Cody, of this city, Minister, D. C. N. C.

To Joseph C. Mills, of Eyles, Hanover county, and Stella H. Gilman, of Farmington, Hanover county, Minister, Rev. D. C. N. C.

To Charles R. Mitchell and Mattie B. Allen, both of Richmond, Minister, Rev. D. C. N. C.

To C. M. Couden, of Fort Hunt, and Fannie E. Corenoll, of Washington, D. C. N. C.

**At the Hotels.**

Among the arrivals in the city yesterday was Hon. Claggett B. Jones, of King and Queen county, one of the most popular members of the late Constitutional Convention, and was given a cordial greeting by his old friends. Mr. Jones is in the city for a day or two on private business.

Among the arrivals at the Jefferson yesterday were Lieutenant and Mrs. Philip V. Scott, United States revenue cut service. Mr. and Mrs. Scott were married in Louisiana county yesterday. The young officer is a son of State Librarian W. W. Scott, of Orange county.

Mr. E. W. Barrett, one of the proprietors of the Birmingham, Ala., Age-Herald, is in the city, registered at the Jefferson. Mr. Barrett is one of the best known newspaper men in the South, having formerly been Washington correspondent for the Atlanta Constitution. He married one of Virginia's most beautiful daughters, Miss Janie Sutherland Smith, of Danville.

Among the other arrivals at the Jefferson yesterday were Mr. Caslie Norvell, of Charlotte county; Major R. W. Hunter and W. B. Smoot, of Alexandria.

Judge Thomas B. Blakey, of Essex county; Judge W. Samuel Goodwyn, of Emporia, and Mr. John Wood, a well known newspaper writer of Staunton, formerly of Roanoke, are among those registered at Murphy's last night.

Other Virginia arrivals at Murphy's include Rev. H. T. Louthan and wife, of Williamsburg; B. P. Eggleston, of Drake's Branch; L. P. Slater, of Portsmouth; Mrs. N. L. Henley, of Williamsburg; Miss Mary A. Turner, Lanex; Mrs. L. P. Fisher, of Westmoreland; Miss Shade; J. V. Moore, Macpherson, and Thomas W. Miller, Roanoke.

Judge Robert Waller, of Spotsylvania; C. G. Zwinn, of Caroline; W. D. Samson, of Albemarle; J. L. Putney, of Farmville; H. P. Fisher, W. L. Oakley and H. H. Kraft, Clifton Forge, are among the Virginians at the New Ford's.

**Personal and General.** Mrs. James Gills, of Danville, Powhatan county, after visiting friends in Richmond, has gone to visit others there.

Rev. J. H. Winfree, Presbyterian minister of Augusta county, Va., is at the Virginia Hospital for treatment.

Mrs. Anna Churchman, of Augusta county, is visiting her husband, the member of the House from that county, at No. 211 North Eleventh Street.

## DEATH IN SWANSBORO

Mr. Lee H. Clements Passed Suddenly Away.

MARRIAGE OF MR. SMITH

Council Committee on Cemetery and Poor Will Meet To-Night—Funeral. Personal and Other Notes.

**Manchester Bureau Times-Dispatch.** No. 1192 Hull Street. Mr. Lee H. Clements, a well known merchant of Swansboro, died suddenly about 6:30 o'clock yesterday afternoon. He was on his horse, talking to Mr. V. Temple, a friend, on a matter of business near the latter's home, in Chesterfield county, when he suddenly fell forward off the horse and expired. He was taken to his home on the Broad Road Road, about a mile beyond Swansboro. Death was found to have been due to heart failure.

Mr. Clements was twice married. He leaves two children by his first wife, Mr. William H. Clements, who was engaged in the grocery business with him, and Mrs. Walter M. Jones. His second wife survives him, with three children—Clifford, Ernest and Charles Clements. Mr. Clements was one of the wealthiest business men of Swansboro.

The funeral will take place Friday from West-End Methodist Church, Swansboro. Undertaker Morrisett has charge of the arrangements.

**COUNCIL MEETING.** The Council Committee on the Almshouse will meet in Col. Allen's office to-night in regular session and the committee on Poor will meet at the same time and place.

The Council Committee will meet at the Council Chamber to-morrow night.

**WEDDING LAST NIGHT.** Mr. Wm. E. Smith, of Manchester, and Miss Kessler, of Lynchburg, were married in the latter city last night and will reach here this evening, where they will make their future home.

Mr. Smith is a well-known business man, member of the Fire Department, and father of Mr. Walter Smith, also of the Fire Department.

A reception will be given the couple at the residence of the son, No. 25 Tenth Street, to-night.

**JUNIOR ORDER.** Virginia Council, Jr. O. U. A. M., of Petersburg, will visit Manchester on May 12th. At the meeting of Liberty Council all the following committees were appointed to entertain them: Messrs. J. Morrisett, C. G. Fuqua, B. M. Clarke, W. H. Toler and W. H. Marshall.

**POLICE ATTACHED.** The police of Manchester and Swansboro are looking for the assailant of Bannister Green, a colored man, formerly employed at W. A. Jones & Co.'s store. He was attacked in Swansboro Monday by unknown persons and badly beaten.

**PERSONAL AND NOTES.** Mr. Parke Howie is ill at his home, No. 113 East Tenth Street.

Bishop Sherrill, United States revenue cut service, Mr. and Mrs. Scott were married in Louisiana county yesterday. The young officer is a son of State Librarian W. W. Scott, of Orange county.

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**Dress Knowledge** imparted to seekers of it for the asking. SMART DRESSERS always want to know what is the LATEST PROPER THING TO WEAR, also to be shown the NEATEST IDEAS OF DRESS. You can have both of these requirements supplied here, as a WELL SELECTED STOCK not only appeals to you, but can meet every want you may have. Pay me a visit and let me convince you of this.

**SCHNURMAN,** TAILOR, HATTER, FURNISHER, 907, Main Street.

## TO BE HIGHER, SAYS BAER

Declares Price of Coal Will Be Further Advanced.

TALKS OF COMPETITION

Says the Railroads Compete for Business, but Do Not Cut Each Other's Throat—Uses Plain Language to a Lawyer.

(By Associated Press.) NEW YORK, April 29.—The Interstate Commerce Commission to-day resumed its hearing into the complaint of William R. Hearst against the anthracite coal-carrying railroads.

President Baer, of the Philadelphia and Reading Railroad was again called to the witness stand. He explained the operations of the Temple Iron Company, saying it was intended to get rid of the commission men. He declined to produce the contracts between the Temple Company and the railroads.

"Is there anything in these contracts," Mr. Shearn asked, "that would degrade and humiliate you?"

"I decline to answer that question because it is insolent. There is nothing in any contract I ever made that makes me the criminal your client published me as being, and he cannot come into court and insult me. You are not a gentleman, or you would not insult me."

**NO POOL OR COMBINATION.** Mr. Baer said the directors of the Temple control the different collieries in the Temple system. At their meetings, he said, there was never any discussion about the price and output of coal.

"I do say most emphatically," he went on, "there has been no pool and no combination to regulate the price or to work it out between the coal-carrying railroads since I have been president of the Reading system."

The price of coal sold by the Philadelphia and Reading Coal Company, he said, was fixed after a general consultation with the general coal agents and sales agents. The other companies pursued a like course. He added: "If I thought we were the strongest people, and I fixed the price and compelled the other dealers to do the same. They accused me of being arbitrary, and I admit that perhaps I was arbitrary, but I felt that it was necessary."

He said the price of coal had been raised fifty cents a ton because the cost of production had increased.

"You have fixed the rate at \$1.50 a ton?"

"Yes, and on May 1st, I am going to advance the price ten cents and to work it up to that. That will be a fair price and give us a profit. If I can't get that price, I'll have to come down. If the market will take it at \$5, the price will not be reduced."

Mr. Baer said he believed he could control the coal market. He said he had not consulted any of the other coal company men, but he did not fear if he asked \$5 a ton, the other companies would ask any less. It would be foolish if they did, he said.

"And yet you say there is competition in the business," Mr. Shearn asked.

"Of course, there is, fair and square competition," Mr. Baer replied. "It is not necessary that competing merchants should cut each other's throat."

"Do the railroads actually compete for business in the coal regions?"

"In the sense of building lines to the collieries, they do compete. In the sense of under selling each other, they do not. There is no agreement among the railroads to keep out of each other's territory in the coal regions."

Mr. Baer said he knew of no such agreement.

**The Supreme Court's Decision.** He said the legal questions there is the fundamental fact that white men will not submit to the government of black, red, yellow or brown men. That is a racial axiom and is not limited to the United States. But the colored people are secure in their personal rights. They can obtain education and property, cultivate the soil, practice the mechanic arts and the professions. The majority of them are not notoriously unfit for political privileges. Their relations with the white people are friendly as they recently testified in Richmond. With the growth of intelligence and character, the acquisition of property and the development of civil spirit they will fit themselves for political rights, and will then acquire them. The best men among themselves deprecate the political activity of the colored people.—Philadelphia Record.

**Judicial relief from this injustice is denied by the Supreme Court.** It declares that the remedy for such political wrongs must be political. That points the way to the next step. Congress must act. It has full legal power to enforce a political remedy. Under the present conditions, the best remedy is the representation of those States which disfranchise large classes of their citizens. Still more effectively, perhaps, can action be taken under that clause of the Constitution which provides that "no State shall deprive any of its citizens the rights of suffrage. In any case, and in all ways, the South must be given to understand that there is a national conscience which will not sleep in the presence of this flagrant violation of the rights of its citizens. It is entitled to the full and equal protection of the laws. The suffrage cannot be taken away from him unfairly. His right to be educated, to improve his lot, to hold office, and to be a citizen, is no more than that of any other American citizen. And the sooner the Republican party sets about the work of completing its mission in behalf of the negro, the sooner will it create a soul under the ribs of death.—New York Evening Post.

We are persuaded that the worst thing that could happen to the negro would be the renewal of political agitation concerning his rights. It is not the progress of civilization many years. Yet, if the courts offer no protection to his rights as plainly guaranteed by the Constitution, the ill-

"Swear Off" Permanently. "Orin" will help you keep your pledge. It is a scientific preparation in powder form, an excellent tonic, and never fails to cure the drink habit. The craving for liquor never returns. Endorsed by the best physicians in the country. \$1.00 per box; 6 boxes for \$5.00. Folk Miller Drug Company, 834 East Main Street, Folk Miller-Coleman Company, First and Broad Streets, Richmond.

**...A CARD...** Charles A. Rose, Real Estate Agent, has removed his office to No. 1 N. Ninth St. (News Leader Building), where he will be pleased to see his friends and patrons.

**Robins are here drink Hires Rootbeer** The greatest spring tonic. A perfect health-giving, tonic, sold everywhere, or by mail for 25 cents. Hires Rootbeer, Philadelphia, Pa.

**Richmonders in New York.** (Special to The Times-Dispatch.) NEW YORK, April 29.—Waldorf—W. H. Parrish, Fifth Avenue—Miss Mosely, Mrs. G. H. Shields, Miss Shields, Union Square—W. A. Morrell and wife, Herald Square—C. S. Crenshaw, Hoffman—W. Gray, H. W. Hazard, M. C. Patterson, W. B. Saunders, J. C. Hayes, Imperial, H. B. Wadley, Victoria—V. A. Whiticar and wife.

**BANKRUPTCY NOTICES.** IN THE DISTRICT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF VIRGINIA. In the Matter of No. 451. J. H. BERRY, Bankrupt. ORDER OF NOTICE FOR DISCHARGE. On this 20th day of April, A. D. 1903, on reading the petition for discharge of the bankrupt, it is—

Ordered by the court, that a hearing be had upon the same on the 8th day OF MAY, A. D. 1903, before said court, at Richmond, in said district, at 12 o'clock noon; and that notice thereof be published in the Times-Dispatch, a newspaper printed and published in said district, and that all known creditors and other persons in interest may appear at the said time and place, and show cause, if any they have, why the prayer of the said petitioner should not be granted.

And it is further ordered by the court, that the clerk shall send by mail to all known creditors copies of said petition and this order, addressed to them at their places of residence as stated.

Witness the Honorable EDMUND WADSWORTH, Jr., Judge of the said court, and the seal thereof, at Richmond, in said district, on the 20th day of April, A. D. 1903.

Attest: G. E. BOWDEN, Clerk. By Joseph P. Brady, Deputy Clerk.



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**NEW ASSISTANT ATTORNEY GENERAL** (By Associated Press.) WASHINGTON, April 29.—Attorney-General Knox has approved J. D. McReynolds as assistant attorney-general of the United States, to succeed James Beck, resigned.

Mr. McReynolds is a Nashville lawyer, forty-two years old, and formerly lived in Washington as the private secretary to Senator Jackson, of Tennessee, who subsequently became an associate justice of the Supreme Court of the United States.

**Richmonders in New York.** (Special to The Times-Dispatch.) NEW YORK, April 29.—Waldorf—W. H. Parrish, Fifth Avenue—Miss Mosely, Mrs. G. H. Shields, Miss Shields, Union Square—W. A. Morrell and wife, Herald Square—C. S. Crenshaw, Hoffman—W. Gray, H. W. Hazard, M. C. Patterson, W. B. Saunders, J. C. Hayes, Imperial, H. B. Wadley, Victoria—V. A. Whiticar and wife.

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**IN THE DISTRICT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF VIRGINIA.** In the Matter of No. 461. JOHN J. FEATHER, Bankrupt. ORDER OF NOTICE FOR DISCHARGE. On this 20th day of April, A. D. 1903, on reading the petition for discharge of the bankrupt, it is—

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